

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-CR-19

BRETT L O'KIMOSH,

Defendant.

ORDER GRANTING ADJOURNMENT AND EXCLUDING TIME

On March 5, 2019, a Superceding Indictment was filed charging Brett L. O'Kimosh with Burglary and Possession of a Firearm by a Felon. On May 8, 2019, counsel for the parties filed a motion to adjourn, which this court granted, and this case was scheduled for a July 8, 2019 status conference. The previous adjournment was requested because the defendant is charged with two counts of sexual assault of a child in Shawano County and is in custody there awaiting trial. Counsel have filed a second motion to adjourn, indicating that the Shawano County case is now scheduled for trial on July 9, 2019. Given the severity of the penalties O'Kimosh is facing in state court, it makes sense to allow the resolution of the defendant's state charges before attempting to resolve those he is facing in this court. The Government does not object. Therefore, the court GRANTS the unopposed defense motion and directs the clerk to reschedule this matter for a counsel only status conference as requested.

The court also excludes time under the Speedy Trial Act between now and the status conference. The defendant's interest in resolving the more serious state charges before trying to resolve his federal charges is reasonable, given the severity of those charges and the likelihood that resolution of the federal charges may be more easily accomplished once the state proceedings have been concluded. The interest of the public and the interest of the defendant in a speedy trial is

outweighed by the need to ensure that the defendant can focus on the more serious matter at this time and the likelihood that, following the resolution of those charges, the federal matter can likely be resolved without a trial. Accordingly, the delay necessitated by the requested adjournment is excluded from the speedy trial calculation pursuant to 18 U.S.C. § 3161(h)(7)(A).

SO ORDERED this 3rd day of July, 2019.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court